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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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|-----------------------------|---|---------------------|
| In the Matter of |) | GC Docket No. 92-52 |
| |) | |
| Reexamination of the Policy |) | |
| Statement On Comparative |) | |
| Broadcast Hearings |) | |
| |) | RM-7739 |
| |) | RM-7740 |
| |) | RM-7741 |

COMMENTS OF JUDY YEP HUGHES

Judy Yep Hughes, by her attorney and pursuant to FCC Order 92I-032 released May 11, 1992, hereby submits limited Comments in this proceeding.¹ Ms. Hughes' Comments are directed strictly to the issue of a "Finder's" or "Pioneer" preference as raised in the Reexamination of the Policy Statement on Comparative Broadcasting Hearings ("Reexamination Statement") FCC 92-98 (April 10, 1992) (GC Docket No. 92-52) at para. 29. Ms. Hughes opposes this preference. The suggestion in the Reexamination Statement that such a preference is analogous to the existing Pioneer's preference, or that it might benefit minorities, women or other applicants, is illogical and demonstrably false.

A Finder's preference is fundamentally different from a Pioneer's preference. A Finder's preference in the broadcast arena would merely reward anyone who has performed an allocation study and determined whether a new facility can be dropped in under the Commission's various broadcast service allocation

¹. Ms. Hughes is an applicant for a new FM radio station to be located in Windsor, CA. See BPH-911115MT.

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schemes. In contrast, a Pioneer's preference, which has been established by the Commission in the common carrier and private radio arena, rewards an applicant for identifying a new form of service or a substantial enhancement of an existing service. See e.g. Report & Order In the Matter of Establishment of Procedures to Provide a Preference to Applications Proposing an Allocation for New Services, Gen. Docket No. 90-217, FCC 91-112, rel. May 13, 1991 ("Pioneer's Preference Report"). In the broadcast scenario, a new form of service would be one such as digital radio; an enhancement of a service would be akin to AM stereo or the use of close-captioning services for the deaf and hearing-impaired. As the Pioneer's Preference Report goes on to elaborate, such services add functionality or employ a new use of spectrum. Id. at 48. Merely dropping in a new broadcast facility does none of this.

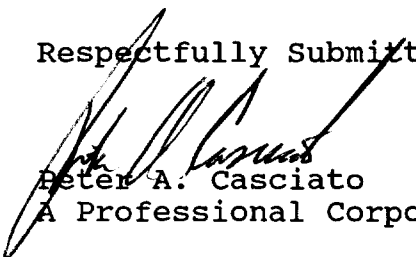
Similarly, the argument that minorities and women would benefit from this Pioneer's Preference is facially implausible. There is no empirical study showing that minorities and women, rather than white males, are more actively engaged in allocations studies or attempts to drop in new broadcast channels. Rather, as it now stands, minorities and women (at least until Lamprecht v. FCC) were taking advantage of minority enhancement credit by merely filing applications, as channels were allocated.

As for newcomers, it should be noted that one of Ms. Hughes' competitors in the Windsor, CA FM proceeding, Eric Hilding, has been engaged in a massive FM radio channel hunt resulting in his

filing ten applications for such channels, all of which (except Windsor, CA), he has dismissed. See Exhibit A-1 hereto, a copy of that exhibit from Hilding's Windsor application (BPH-91115MR). Thus, far from rewarding "newcomers" -- or minorities or women -- such a preference would reward experienced speculators such as Mr. Hilding.

Clearly, such a situation should not be allowed to transpire either as a preference or a tie-breaker. Rather, a Pioneer's Preference for true pioneering of new, innovative services may be a worthy way of proceeding, but a Finder's preference is of no help to minorities, women or newcomers and will do nothing more than encourage speculators such as Mr. Hilding.

Respectfully Submitted,



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June 1, 1992

BROADCAST INTERESTS STATEMENT

Eric R. Hilding was a party to the following:

Application File No. BPH-831216BO, MM Docket No. 86-227
Channel 240A - Freedom, CA - Application Dismissed

Application File No. BPH-840611IO
Channel 292A - Santa Margarita, CA - Application dismissed
pursuant to settlement agreement between applicants

Application File No. BPH-841231MJ, MM Docket No. 86-462
Channel 292A - Green Acres, CA - Application dismissed
pursuant to settlement agreement between applicants

Application File No. BPH-850531MA, MM Docket No. 86-465
Channel 260B - Mount Bullion, CA - Application dismissed

Application File No. BPH-851030MH, MM Docket No. 88-120
Channel 257A - Grass Valley, CA - Application dismissed
pursuant to settlement agreement between applicants

Application File No. BPH-861231MF, MM Docket No. 88-274
Channel 299A - Kings Beach, CA - Application dismissed
pursuant to settlement agreement between applicants

Application File No. BPH-850712TL, MM Docket No. 88-142
Channel 300B - Greenfield, CA - Application dismissed
pursuant to settlement agreement between applicants

Application File No. BPH-870331PL, MM Docket No. 89-91
Channel 286B1 - Auberry, CA - Application dismissed
pursuant to merger with BPH-870408KC, later dismissed
pursuant to settlement agreement between applicants

Application File No. BPH-870629NH, MM Docket No. 88-205
Channel 241A - Morgan Hill, CA - Application dismissed
pursuant to merger with BPH-870629NB as a part of the
settlement agreement between applicants. Applicant
became a Director and shareholder in Coyote Communications,
Inc. (licensee of KSQQ-FM). Applicant divested of all
ownership interests in July, 1989.

Eric R. Hilding is currently a Cable Television Commissioner
(volunteer) appointed by the Morgan Hill City Council, and is
an independent program producer/announcer for KSQQ, Morgan Hill.

Eric R. Hilding will divest of any broadcast interests prior
to application for program test authority at Windsor.